

## REMARKS

The present application is a national stage of PCT/DE03/02305. National stage application are subject to **unity of invention** and not restriction practice. See MPEP 1893.03(d) Unity of Invention, 2nd paragraph after recitation of 37 CFR 1.499 (emphasis added):

*"Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371."*

It is respectfully requested that the restriction requirement be withdrawn.

### Unity of Invention

In regard to unity of invention practice, applicant would like to submit that according to **37 CFR 1.475** the following applies (emphasis added):

"...

*(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:*

*(1) ...*

*(2) ...*

*(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product;".*

The present invention relates to a metallic object (claims 23-36), a process specially adapted for the manufacture of said metallic object (claims 37-40), and use of said metallic object (claims 41-44). The invention therefore fulfills the requirements of 37 CFR 1.475(b)(3).

The technical relationship between the claimed inventions is that the terminal molecule areas of the nucleic acid compounds are incorporated into the metal oxide layer.

In regard to "process specially adapted" applicant would also like to submit that MPEP 1893.03(d) Unity of Invention, 6th paragraph after recitation of 37 CFR 1.499, also states that (emphasis added):

*"A process is "specially adapted" for the manufacture of a product if the claimed process inherently produces the claimed product with the technical relationship being present between the claimed process and the claimed product. The expression "specially adapted" does not imply that the product could not also be manufactured by a different process."*

It is therefore respectfully submitted that the present invention fully meets the requirements of unity of invention.

Compliance with 37 CFR 1.143

In order to fulfill the requirements of 37 CFR 1.143, applicant elects **invention I**, claims 23-36, drawn to the metallic object, for further prosecution with traverse.

Brief Discussion of WO 92/18514

In regard to WO 92/18514 mentioned by the examiner in the office action, applicant would like to submit that the cited reference only teaches to sorb and desorb nucleic acids on metal oxide supports, i.e, the nucleic acids are only temporarily and reversibly "attached" to the metal oxides.

In accordance with the present invention, the nucleic acid compounds that are initially metastably fixed through anionic groups on the metallic substrate surface by regiospecific interactions are irreversibly incorporated at least with the terminal molecular area in a metal oxide layer by anodically polarizing the metallic substrate surface in an electrolyte solution. The nucleic acid compounds are permanently attached to the metallic substrate.

**CONCLUSION**

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail notification from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and

Trademark Office deposit account 50-1199.

Respectfully submitted on August 3, 2007.

/Gudrun E. Huckett/

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